

Remarks

The Examiner has objected to claim 17 and suggested a change which has been incorporated in the instant amendment.

Claims 15, 24, 25 and 28 stand rejected under 35 USC 112 second paragraph as being indefinite. The Examiner has thereby referred to claim 15 and suggested a change therein which has been adapted in the instant amendment. With respect to claim 24, the Examiner states that it is unclear how the openings are being claimed. In response thereto, claim 24 has been amended appropriately. Review and acceptance is requested. The Examiner has rejected claim 25 as omitting essential structures, since that claim does not indicate clearly where the two parallel openings are located. In response thereto, appropriate amendment has been taken. Claim 28 has been cancelled.

Claims 15 through 20 and 23 to 28 stand rejected under 35 USC 103(a) as being unpatentable over Roper '162 in view of Quigley '258 (as indicated on page 5 of the Office Action as well as in the notice of references cited). Claims 21 and 22 stand rejected under 35 USC 103(a) as being unpatentable over Roper and Quigley as applied to claim 15 in further view of Wharton '100.

In responding to these 35 USC 103 rejections, the Applicant has amended independent claim 15 to specify that the deck is made from plastic material or from recycled plastic material. Moreover, the Applicant has specified that each leg bottom extends along an entire length of the leg, thereby forming a continuous lower runner. The Applicant has also specified that a thickness and inclination of the sidewalls as well as a level of the at least one opening are disposed, structured and dimensioned to permit production of the load support using a molding tool which consists only of an upper part and a lower part, without a

slider. Disclosure for these new limitations in claim 15 can be found in claim 16, claim 23, as well page 13 third paragraph of the specification. Claims 16 and 23 have accordingly been cancelled. The Applicant submits that the invention as claimed satisfies the requirements to 35 USC 103 for the following reasons.

The elements claimed permit construction of the load support using a two component injection molding tool having an upper portion and a lower portion. It is particularly important that the openings in the legs of the load support can also be produced using such a two component injection molding tool. Conventional load supports utilize an additional slider in the injection molding tool, thereby requiring a three component molding system. As indicated on the bottom of page 3 of the specification, the invention as now claimed thereby reduces tool costs and increases the ejection rate of the load supports from the shaping tool. In consequence thereof, considerable production costs are saved compared to conventional load supports. The conventional pallets which use a slider, have a reduced ejection rate which is limited by the long traveling path of that slider.

Claim 15 as amended also specifies that the bottoms of the legs extend continuously along the entire length thereof. The legs therefore have a continuous bottom beneath the openings. This results in large flexural strength for the load support as now claimed.

In contrast to the claimed invention, Roper proposes a pallet made from sheet metal which is formed using a deep drawing process. Any openings in accordance with the invention as now claimed which would be fashioned in the Roper pallet could therefore not be produced in one production step during the deep drawing process used by Roper to construct his legs, rather must be subsequently cut out after formation of the legs. Since Roper discloses no openings whatsoever, Roper can

provide no teaching concerning the elements of the molded plastic structure as now claimed, including the associated openings and the continuous lower bottoms.

The container disclosed by Quigley comprises several different pieces. The bottom 11 does not have legs. On the contrary, the legs of Quigley are part of the sidewalls 12 (see for example figures 1, 2, 5 and 7). For this reason alone, Quigley cannot provide any motivation for the openings in the sidewalls of the legs as now claimed. The lower openings of the sidewalls 12 of Quigley are completely open in the produced state and are subsequently closed using a preferentially wooden plate 86. Therefore, Quigley provides no motivation for the features of claim 1 as now claimed, in particular with regard to the fact that the load support as now claimed is disposed, structured and dimensioned for production using a two component injection mold device. It should be added that the wooden lower bottoms of the Quigley reference are attached to the remaining portion of the structure using screws and therefore cannot provide for a degree of flexural strength achieved in accordance with the invention, in particular in view of the fact that the overall structure as now claimed is an integral structure essentially comprising one single piece.

The invention as claimed has advantages associated with particular elements not disclosed by the prior art. The prior art can therefore not be construed to fairly teach or suggest the limitations of the invention as now claimed. The dependent claims of record inherit the limitations of the base claim and are therefore similarly distinguished from the prior art of record for the reasons given. The Applicant therefore requests reconsideration on the part of the US PTO in view of this amendment and passage of this case to issuance.

No new matter has been added to this amendment.

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